

(I) low-income communities (as described in section 45D(e) of the Internal Revenue Code of 1986); and

(II) dislocated workers who were previously employed in manufacturing, coal power plants, or coal mining;

(iv) have higher potential for technological innovation and commercial deployment;

(v) have a lower levelized cost of—

(I) generated or stored energy; or

(II) measured reduction in energy consumption or greenhouse gas emission (based on costs of the full supply chain); and

(vi) have a shorter project time.

(B) **ELIGIBLE ENTITIES.**—In selecting eligible entities to receive grants under the Program, the Secretary shall give priority to eligible entities that are minority-owned.

(d) **PROJECT COMPLETION AND LOCATION; RETURN OF UNOBLIGATED FUNDS.**—

(1) **COMPLETION; RETURN OF UNOBLIGATED FUNDS.**—An eligible entity that receives a grant under the Program shall be required—

(A) to complete the qualifying advanced energy project funded by the grant not later than 3 years after the date of receipt of the grant funds; and

(B) to return to the Secretary any grant funds that remain unobligated at the end of that 3-year period.

(2) **LOCATION.**—If the Secretary determines that an eligible entity awarded a grant under the Program has carried out the applicable qualifying advanced energy project at a location that is materially different from the location specified in the application for the grant, the eligible entity shall be required to return the grant funds to the Secretary.

(e) **TECHNICAL ASSISTANCE.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Secretary shall provide technical assistance on a selective basis to eligible entities that are seeking a grant under the Program to enhance the impact of the qualifying advanced energy project to be carried out using the grant with respect to the selection criteria described in subsection (c)(2)(A).

(2) **APPLICATIONS.**—An eligible entity desiring technical assistance under paragraph (1) shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(3) **FACTORS FOR CONSIDERATION.**—In selecting eligible entities for technical assistance under paragraph (1), the Secretary shall give higher priority to eligible entities that propose a qualifying advanced energy project that has greater potential for enhancement of the impact of the project with respect to the selection criteria described in subsection (c)(2)(A).

(f) **PUBLICATION OF GRANTS.**—The Secretary shall make publicly available the identity of each eligible entity awarded a grant under the Program and the amount of the grant.

(g) **WAGE RATE REQUIREMENTS.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law, all laborers and mechanics employed by contractors and subcontractors on qualifying advanced energy projects funded by a grant under the Program shall be paid wages at rates not less than those prevailing on projects of a similar character in the locality, as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code (commonly known as the “Davis-Bacon Act”).

(2) **AUTHORITY.**—With respect to the labor standards specified in paragraph (1), the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40, United States Code.

(h) **REPORT.**—Not later than 4 years after the date of enactment of this Act, the Secretary shall—

(1) review the grants awarded under the Program; and

(2) submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing those grants.

(i) **FUNDING.**—There is appropriated to the Secretary, out of amounts in the Treasury not otherwise appropriated, \$150,000,000 to carry out the Program for fiscal year 2022.

SA 1855. Mr. MANCHIN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 2515 and insert the following:

SEC. 2515. RESTRICTIONS ON NUCLEAR COOPERATION WITH THE PEOPLE'S REPUBLIC OF CHINA.

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that the document entitled “U.S. Policy Framework on Civil Nuclear Cooperation with China” (PF 2019-03), which was issued on October 11, 2018, places necessary and appropriate restrictions on nuclear cooperation with the People's Republic of China and should, therefore, remain in force.

(b) **REPORTS ON MODIFICATIONS TO RESTRICTIONS.**—

(1) **REQUIREMENT.**—Not later than 60 days before the date on which the Secretary of Energy seeks to modify any restriction on the transfer of United States civil nuclear technology to the People's Republic of China, the Secretary of Energy, with the concurrence of the Secretary of State and after consultation with the Nuclear Regulatory Commission, the Secretary of Commerce, and the Secretary of Defense and review by the Director of National Intelligence, shall submit to the appropriate committees of Congress a report on such modification, including a description of, and explanation for, the modification.

(2) **FORM.**—Each report submitted under paragraph (1) shall be submitted in unclassified form but may include a classified annex.

(c) **REVIEW OF PRIOR NUCLEAR COOPERATION AND ASSOCIATED IMPACTS.**—

(1) **IN GENERAL.**—Not later than 60 days after the date of the enactment of this Act, the Comptroller General of the United States shall initiate—

(A) a review of nuclear cooperation during the 10-year period ending on the date of the enactment of this Act between the United States Government and the People's Republic of China, including the role of the Department of State in facilitating such cooperation; and

(B) assessing the implications of the cooperation described in subparagraph (A) on the national security of the United States.

(2) **ELEMENTS.**—In conducting the review and assessment under paragraph (1), the Comptroller General shall examine all nuclear cooperation activities between the United States Government and the People's Republic of China during the 10-year period ending on the date of the enactment of this Act, including—

(A) all trips relating to nuclear cooperation taken by officials of the United States Government to the People's Republic of China;

(B) all exchanges of goods, services, data, or information between officials of the United States Government and the Government of the People's Republic of China or any entity owned or controlled by that Government or organized under the laws of the People's Republic of China;

(C) all instances in which officials of the United States Government hosted officials from, or significantly tied to, the Government of the People's Republic of China or any entity described in subparagraph (B).

(3) **DEADLINE AND REPORT.**—Not later than 2 years after Comptroller General initiates the review and assessment under paragraph (1), the Comptroller General shall—

(A) complete the review and assessment; and

(B) submit to the appropriate committees of Congress a report containing the results of the review and assessment, which shall be unclassified but, if necessary, may include a classified annex.

(4) **PUBLICATION.**—Not later than 60 days after the date on which the Comptroller General submits the report required by paragraph (3), the Comptroller General shall make the report publicly available in an easily accessible electronic format, with appropriate redactions for information that, in the determination of the Secretary of Energy, would be damaging to the national security of the United States if disclosed.

(d) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to prohibit—

(1) United States commercial activities that are consistent with the laws and regulations of the United States; or

(2) limited diplomatic engagement or dialogue—

(A) including regarding protection of the intellectual property and trade secrets of United States persons; and

(B) except for any diplomatic engagement or dialogue relating to or aimed at facilitating the transfer of nuclear technology.

(e) **DEFINITIONS.**—In this section:

(1) **APPROPRIATE COMMITTEES OF CONGRESS.**—The term “appropriate committees of Congress” means—

(A) the Committee on Energy and Natural Resources and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Energy and Commerce and the Committee on Foreign Affairs of the House of Representatives.

(2) **NUCLEAR COOPERATION.**—The term “nuclear cooperation” means cooperation with respect to nuclear activities, including the development, use, or control of atomic energy, including any activities involving the processing or utilization of source material, byproduct material, or special nuclear material (as those terms are defined in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014)).

(3) **NUCLEAR COOPERATION ACTIVITIES.**—The term “nuclear cooperation activities” means activities relating to nuclear cooperation.

(4) **RESTRICTION ON THE TRANSFER OF UNITED STATES CIVIL NUCLEAR TECHNOLOGY TO THE PEOPLE'S REPUBLIC OF CHINA.**—The term “restriction on the transfer of United States civil nuclear technology to the People's Republic of China” includes the 2018 United States Policy Framework on Civil Nuclear Cooperation with China of the Department of Energy.

SA 1856. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish

a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ USCIS ACCESS TO CRIMINAL HISTORY RECORDS.

(a) IN GENERAL.—In addition to any other access to criminal history records authorized for noncriminal justice purposes under the National Crime History Access and Child Protection Act (34 U.S.C. 40311 et seq.), the Attorney General and the Director of the Federal Bureau of Investigation shall provide the Secretary of Homeland Security, for purposes relating to immigration and naturalization matters, with—

(1) direct access to criminal history records without submission of positive identification, including name-check access to the Interstate Identification Index (III) System; and

(2) access to sealed record information and any other criminal history information on the same terms as are provided to an agency performing a criminal justice or law enforcement purpose.

(b) DEFINITIONS.—The definitions in section 213 of the National Criminal History Access and Child Protection Act (34 U.S.C. 40312) shall apply to subsection (a).

SA 1857. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 496, strike line 17 and all that follows through page 535, line 15, and insert the following:

(9) JOHNSON SPACE CENTER.—The term “Johnson Space Center” means the Lyndon B. Johnson Space Center in Houston, Texas.

(10) NASA.—The term “NASA” means the National Aeronautics and Space Administration.

(11) ORION.—The term “Orion” means the multipurpose crew vehicle described in section 303 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18323).

(12) OSTP.—The term “OSTP” means the Office of Science and Technology Policy.

(13) SPACE LAUNCH SYSTEM.—The term “Space Launch System” means the Space Launch System authorized under section 302 of the National Aeronautics and Space Administration Act of 2010 (42 U.S.C. 18322).

PART I—AUTHORIZATION OF APPROPRIATIONS

SEC. 2613. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Administration for fiscal year 2021 \$23,495,000,000 as follows:

(1) For Exploration, \$6,706,400,000.

(2) For Space Operations, \$3,988,200,000.

(3) For Science, \$7,274,700,000.

(4) For Aeronautics, \$828,700,000.

(5) For Space Technology, \$1,206,000,000.

(6) For Science, Technology, Engineering, and Mathematics Engagement, \$120,000,000.

(7) For Safety, Security, and Mission Services, \$2,936,500,000.

(8) For Construction and Environmental Compliance and Restoration, \$390,300,000.

(9) For Inspector General, \$44,200,000.

PART II—HUMAN SPACEFLIGHT AND EXPLORATION

SEC. 2614. COMPETITIVENESS WITHIN THE HUMAN LANDING SYSTEM PROGRAM.

(a) FINDINGS.—Congress makes the following findings:

(1) The Apollo 11 landing on July 20, 1969, marked the first steps of a human being on the surface of another world, representing a giant leap for all humanity and a significant demonstration of the spaceflight capabilities of the United States.

(2) Section 202(a) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18312(a)) establishes for the National Aeronautics and Space Administration the long-term goals of expanding human presence in space and establishing a thriving space economy in low-Earth orbit and beyond.

(3) The 2017 National Security Strategy designates the human exploration of the solar system as a strategic priority for the United States.

(4) Establishing and ensuring the sustainability of human space exploration of the solar system, as called for in the Space Policy Directive-1 entitled “Reinvigorating America’s Human Space Exploration Program” (82 Fed. Reg. 239 (December 11, 2017)) and the National Space Exploration Campaign Report of the National Aeronautics and Space Administration issued in September 2018, will require carrying out human exploration and related extravehicular activities on the surface of other celestial bodies in a safe and cost-effective manner.

(5) The Johnson Space Center has decades of experience working with international partners, other Federal agencies, and partners in industry and academia to study, develop, and carry out the human spaceflight priorities of the United States.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) advances in space technology and space exploration capabilities ensure the long-term technological preeminence, economic competitiveness, STEM workforce development, and national security of the United States;

(2) the development of technologies that enable human exploration of the lunar surface and other celestial bodies is critical to the space industrial base of the United States;

(3) commercial entities in the United States have made significant investment and progress toward the development of human-class lunar landers;

(4) NASA developed the Artemis program—

(A) to fulfill the goal of landing United States astronauts, including the first woman and the next man, on the Moon; and

(B) to collaborate with commercial and international partners to establish sustainable lunar exploration by 2028;

(5) in carrying out the Artemis program, the Administrator should ensure that the entire Artemis program is inclusive and representative of all people of the United States, including women and minorities; and

(6) maintaining multiple technically credible providers within NASA commercial programs is a best practice that reduces programmatic risk.

(c) STATEMENT OF POLICY.—It shall be the policy of the United States—

(1) to bolster the domestic space technology industrial base, using existing tools and authorities, particularly in areas central to competition between the United States and the People’s Republic of China;

(2) to mitigate threats and minimize challenges to the superiority of the United States in space technology, including lunar infrastructure and lander capabilities;

(3) to continuously maintain the capability for a continuous human presence in low-Earth orbit through and beyond the useful life of the International Space Station; and

(4) that such capability shall—

(A) maintain the global leadership of the United States and relationships with partners and allies;

(B) contribute to the general welfare of the United States; and

(C) leverage commercial capabilities to promote affordability so as not to preclude a robust portfolio of other human space exploration activities.

(d) HUMAN LANDING SYSTEM PROGRAM.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this division, the Administrator shall maintain competitiveness within the human landing system program by funding design, development, testing, and evaluation for not fewer than 2 entities.

(2) REQUIREMENTS.—In carrying out the human landing system program referred to in paragraph (1), the Administrator shall, to the extent practicable—

(A) encourage reusability and sustainability of systems developed; and

(B) offer existing capabilities and assets of NASA centers to support such partnerships.

(3) BRIEFING.—Not later than 60 days after the date of the enactment of this division, the Administrator shall provide to the appropriate committees of Congress a briefing on the implementation of paragraph (1).

(4) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts otherwise appropriated for the Artemis program, for fiscal years 2021 through 2025, there is authorized to be appropriated \$10,032,000,000 to NASA to carry out the human landing system program.

(5) SAVINGS.—The Administrator shall not, in order to comply with the obligations referred to in paragraph (1), modify, terminate, or rescind any selection decisions or awards made under the human landing system program that were announced prior to the date of enactment of this division.

(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate; and

(2) the Committee on Science, Space, and Technology and the Committee on Appropriations of the House of Representatives.

SEC. 2615. SPACE LAUNCH SYSTEM CONFIGURATIONS.

(a) MOBILE LAUNCH PLATFORM.—The Administrator is authorized to maintain 2 operational mobile launch platforms to enable the launch of multiple configurations of the Space Launch System.

(b) EXPLORATION UPPER STAGE.—To meet the capability requirements under section 302(c)(2) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18322(c)(2)), the Administrator shall continue development of the Exploration Upper Stage for the Space Launch System with a scheduled availability sufficient for use on the third launch of the Space Launch System.

(c) BRIEFING.—Not later than 90 days after the date of the enactment of this division, the Administrator shall brief the appropriate